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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001309

SIPDIS

DEPARTMENT FOR SA, SA/INS, DRL, DRL/CRA

E.O. 12958: DECL: 07-28-13

TAGS: PHUM PGOV PINS CE

SUBJECT: Human rights update: Court convicts five for role in massacre; Security crackdown nets Tamils

Refs: Colombo 1290, and previous

(U) Classified by James F. Entwistle, Charge d'Affaires. Reasons 1.5 (b, d).

1. (C) This update of the human rights situation in Sri Lanka reviews the following:

- Police officers and Sinhalese civilians sentenced in connection with killings of Tamils in 2000
- Alleged ringleader of killings of Muslims on election day 2001 gets bail
- Tamils detained in Colombo during security crackdown
- Commission's findings re bloody '83 riots begin to leak out

CONVICTIONS IN MASSACRE OF TAMILS

2. (U) Two Sri Lankan police officers and three Sinhalese civilians were sentenced to death on July 1 for their involvement in the October 2000 slayings of 27 Tamils. (Note: The death sentences were later ratcheted down to 23 years imprisonment. While the death penalty remains on the books in Sri Lanka, it has not been imposed in years -- see Reftels.) The case involves a large-scale attack by local villagers on a rehabilitation camp for former child soldiers of the Liberation Tigers of Tamil Eelam (LTTE) located in Uva Province in the southeast. (Note: The villagers were infuriated that a camp for former Tamil Tiger militants was located in their home area.) The police in charge of guarding the camp allowed the villagers to enter and massacre the detainees. All those convicted were Sinhalese.

3. (C) COMMENT: The convictions of the five men is an important event, representing as it does one of the few times that Sinhalese have been held accountable for the deaths of Tamils during the course of the 1983-2001 ethnic conflict. In particular, the convictions of the two police officers underscores the widening cracks in the climate of impunity which for so long protected government officials from prosecution. The sad fact, however, is that only three villagers were convicted in the attacks, which involved dozens, if not hundreds, of locals. END COMMENT.

ELECTION DAY KILLING OF MUSLIM CAMPAIGN WORKERS

4. (SBU) Anuruddha Ratwatte, a well-connected former deputy defense minister, was released on bail July 11 for his alleged role in the killings of ten Muslims in December 2001. Ratwatte's two sons and 12 other defendants were also released on bail. Ratwatte was released on cash bail of Rs. 25,000 (approx. 250 USD) and Rs. 100,000 personal bail (approx. 1000 USD). The case stems from the massacre of ten campaign workers for the Sri Lanka Muslim Congress (SLMC) on election day, December 5, 2001. The incident took place near Kandy city in central Sri Lanka.

5. (C) COMMENT: The killings of the Muslims sparked large protests in that community, with the government forced to impose a curfew in much of the country to curb disturbances. Muslim anger over what transpired still simmers -- and Ratwatte's release is controversial. His trial court judge had repeatedly turned down his request for bail, citing the severity of the crimes. The Supreme Court intervened, however, and granted bail. Several observers have questioned the impartiality of the Supreme Court's decision, noting that the court is generally considered pro-President Kumaratunga and that Ratwatte is a close relative of the president's. END COMMENT.

TAMIL YOUTHS DETAINED IN COLOMBO

6. (U) A recent security crackdown in Colombo has resulted in a sharp jump in the number of Tamils detained for questioning by police. Police contacts

report that from early June through July over five hundred people were arrested for failure to produce national identity cards or "on suspicion." The vast majority of those detained were quickly released, though a handful were kept incarcerated for further questioning. Interior Minister John Amararatunga, seeking to defuse tensions in the Tamil community (which represents over 20 percent of Colombo's population), told the press June 28 that the recent crackdown was not meant to target Tamils, but to increase security and curb crime in the capital. The intensity of the security crackdown has largely leveled off since mid-July.

17. (C) COMMENT: In mandating the security crackdown, the GSL was reacting to a spate of recent assassinations of opponents of the LTTE which have taken place in Colombo and elsewhere (see Reftels). It is not clear whether the government's effort led to the arrest of any armed LTTE cadre, though it may have scared some off. While aware of the danger that LTTE elements pose, human rights activists expressed concern that the GSL's actions were a return to the widespread "cordon and search" operations of the past in which thousands of Tamils were detained for long stretches, especially after LTTE terrorist attacks. These operations alienated many in the Tamil community. END COMMENT.

CONTENTS OF REPORT ON '83 RIOTS LEAK OUT

18. (U) Although it has not been officially released, the contents of the final report of the Presidential Truth Commission on Ethnic Violence in Sri Lanka have been leaking out in recent days. (Note: The commission, which consists of former jurists and lawyers, was appointed by President Kumaratunga in 2001 to delve into the causes of the communal riots that shook Sri Lanka in the early 1980s. The most serious of these took place in Colombo in July 1983 -- see Reftels.) English-language newspapers, for example, have been regularly serializing the report, which is largely a factual rundown of what the commission believed occurred at that time.

19. (C) COMMENT: Human rights activists have been impressed by the sections of the report that have been published thus far. The commission seems to have done a careful job in turning up the facts in what were often murky incidents. Moreover, the commission appears to have steered away from trying to place "blame" per se. This non-accusatory approach has been welcomed in light of fears that the commission, which had been appointed by the president, might simply bash her political opponents and not much else. It is not clear when the commission's report will be officially released or if its final recommendations will be implemented by the government. (Note: One newspaper on July 27 published the report's 12 recommendations, which focus on everything from the need for ethnic reconciliation to possible reparations for victims.) END COMMENT.

110. (U) Minimize considered.

ENTWISTLE